

Adopted	Rejected
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COMMITTEE REPORT

YES:	12
NO:	1

MR. SPEAKER:

*Your Committee on Agriculture, Natural Resources and Rural Development, to which was referred House Bill 1552, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill **be amended** as follows:*

- 1 Page 1, delete lines 1 through 6.
- 2 Page 2, line 4, delete "Land may be classified as wildlands if the"
- 3 and insert "**Open areas may exist within the confines of a parcel of**
- 4 **land identified as a native forest or a forest plantation if the open**
- 5 **areas do not exceed the lesser of five (5) acres or ten percent (10%)**
- 6 **of the total area to be classified under this chapter and if the open**
- 7 **areas contain any of the following:"**.
- 8 Page 2, delete lines 5 through 8.
- 9 Page 2, line 21, delete "wildlands" and insert "**a non-forest area**".
- 10 Page 2, line 33, after "land" delete ", ".
- 11 Page 2, line 33, after "land," reset in roman "or".
- 12 Page 2, line 33, after "plantation," delete ", or".
- 13 Page 2, line 34, delete "wildlands".

- 1 Page 2, line 34, reset in roman "ten (10)".
- 2 Page 2, line 34, delete "fifteen (15)".
- 3 Page 2, line 40, after "land" delete ", ".
- 4 Page 2, line 40, after "land," reset in roman "or as".
- 5 Page 2, line 40, after "plantation" delete ", or".
- 6 Page 2, line 41, delete "wildlands".
- 7 Page 3, line 5, after "land" delete ", ".
- 8 Page 3, line 5, after "land," reset in roman "or as".
- 9 Page 3, line 5, after "plantation" delete ", or".
- 10 Page 3, line 6, delete "wildlands".
- 11 Page 3, line 11, delete ", ".
- 12 Page 3, line 11, reset in roman "or as".
- 13 Page 3, line 12, delete ", or wildlands".
- 14 Page 4, line 7, delete ", ".
- 15 Page 4, line 7, reset in roman "or as".
- 16 Page 4, line 8, delete ", or wildlands".
- 17 Page 4, line 30, delete ", ".
- 18 Page 4, line 30, reset in roman "or as".
- 19 Page 4, line 31, delete ", or wildlands".
- 20 Page 4, delete lines 33 through 39.
- 21 Page 5, line 3, reset in roman "forest".
- 22 Page 5, line 3, after "forest" delete ". ".
- 23 Page 5, line 7, strike "(a)".
- 24 Page 5, delete lines 19 through 22.
- 25 Page 5, line 25, delete ", ".
- 26 Page 5, line 25, reset in roman "or as".
- 27 Page 5, line 26, delete ", or wildlands".
- 28 Page 5, line 35, reset in roman "or as".
- 29 Page 5, line 36, delete ", or wildlands" and insert ". ".
- 30 Page 6, line 2, after "land" delete ", ".
- 31 Page 6, line 2, after "land" reset in roman "or as".
- 32 Page 6, line 2, after "plantation" delete ", or".
- 33 Page 6, line 3, delete "wildlands".
- 34 Page 6, line 14, delete ", ".
- 35 Page 6, line 14, reset in roman "or as".
- 36 Page 6, line 15, delete ", or wildlands".
- 37 Page 6, line 32, after "land" delete ", ".
- 38 Page 6, line 32, reset in roman "or as".

- 1 Page 6, line 32, delete ", or wildlands".
- 2 Page 6, line 40, after "land" delete ", ".
- 3 Page 6, line 40, reset in roman "or as".
- 4 Page 6, line 40, delete ", or wildlands".
- 5 Page 7, delete lines 16 through 20.
- 6 Page 7, delete lines 29 through 42.
- 7 Page 8, delete lines 1 through 2.
- 8 Page 8, delete lines 19 through 42.
- 9 Delete page 9.
- 10 Page 10, delete lines 1 through 27, begin a new paragraph and
- 11 insert:
- 12 "SECTION 39. IC 14-8-2-65 IS AMENDED TO READ AS
- 13 FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 65. "Dealer" has the
- 14 following meaning:
- 15 (1) For purposes of IC 14-16-1, the meaning set forth in
- 16 IC 14-16-1-2.
- 17 ~~(2) For purposes of IC 14-16-2, the meaning set forth in~~
- 18 ~~IC 14-16-2-2.~~
- 19 ~~(3)~~ (2) For purposes of IC 14-24, **the term** means a person who
- 20 grows or buys nursery stock for the purpose of reselling or
- 21 reshipping the stock in Indiana."
- 22 Page 11, line 9, delete "IC 14-16-2" and insert "**IC 14-16-1**".
- 23 Page 11, line 10, delete "IC 14-16-2-8" and insert "**IC 14-16-1-30**".
- 24 Page 12, between lines 12 and 13, begin a new paragraph and insert:
- 25 "SECTION 41. IC 14-8-2-188 IS AMENDED TO READ AS
- 26 FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 188. "Operate" has the
- 27 following meaning:
- 28 (1) For purposes of IC 14-15, the act of navigating, driving,
- 29 steering, sailing, rowing, paddling, or otherwise moving or
- 30 exercising physical control over the movement of a watercraft.
- 31 (2) For purposes of IC 14-16-1, the meaning set forth in
- 32 IC 14-16-1-4.
- 33 ~~(3) For purposes of IC 14-16-2, the meaning set forth in~~
- 34 ~~IC 14-16-2-3.~~
- 35 SECTION 42. IC 14-8-2-190 IS AMENDED TO READ AS
- 36 FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 190. "Operator" has the
- 37 following meaning:
- 38 (1) For purposes of IC 14-16-1, the meaning set forth in

- 1 IC 14-16-1-5.
- 2 ~~(2) For purposes of IC 14-16-2, the meaning set forth in~~
- 3 ~~IC 14-16-2-4.~~
- 4 ~~(3)~~ (2) For purposes of IC 14-34, except IC 14-34-4-8 and
- 5 IC 14-34-8-4, a person, partnership, limited liability company, or
- 6 corporation engaged in coal mining who removes or intends to
- 7 remove more than two hundred fifty (250) tons of coal from the
- 8 earth by coal mining within twelve (12) consecutive months in
- 9 one (1) location.
- 10 ~~(4)~~ (3) For purposes of IC 14-34-4-8, the meaning set forth in
- 11 IC 14-34-4-8.
- 12 ~~(5)~~ (4) For purposes of IC 14-34-8-4, the meaning set forth in
- 13 IC 14-34-8-4.
- 14 ~~(6)~~ (5) For purposes of IC 14-36-1, the meaning set forth in
- 15 IC 14-36-1-9.
- 16 ~~(7)~~ (6) For purposes of IC 14-37, a person who:
- 17 (A) is issued a permit under IC 14-37; or
- 18 (B) is engaging in an activity for which a permit is required
- 19 under IC 14-37.
- 20 SECTION 43. IC 14-8-2-195, AS AMENDED BY P.L.148-2002,
- 21 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 22 JULY 1, 2003]: Sec. 195. "Owner" has the following meaning:
- 23 (1) For purposes of IC 14-11-4, the meaning set forth in
- 24 IC 14-11-4-2.
- 25 (2) For purposes of IC 14-15, a person who has the legal title to
- 26 a watercraft.
- 27 (3) For purposes of IC 14-16-1, the meaning set forth in
- 28 IC 14-16-1-6.
- 29 ~~(4) For purposes of IC 14-16-2, the meaning set forth in~~
- 30 ~~IC 14-16-2-5.~~
- 31 ~~(5)~~ (4) For purposes of IC 14-25-4, the meaning set forth in
- 32 IC 14-25-4-4.
- 33 ~~(6)~~ (5) For purposes of IC 14-27-7, the meaning set forth in
- 34 IC 14-27-7-1.
- 35 ~~(7)~~ (6) For purposes of IC 14-27-7.5, the meaning set forth in
- 36 IC 14-27-7.5-4.
- 37 ~~(8)~~ (7) For purposes of IC 14-36, the term includes the following:
- 38 (A) Owners in fee.

- 1 (B) Life tenants.
- 2 (C) Tenants for years.
- 3 (D) Holders of remainder of reversionary interests.
- 4 (E) Holders of leaseholds or easements.
- 5 (F) Holders of mineral rights.
- 6 ~~(9)~~ (8) For purposes of IC 14-37, a person who has the right to
- 7 drill into and produce from a pool and to appropriate the oil and
- 8 gas produced from the pool for:
- 9 (A) the person or others; or
- 10 (B) the person and others.
- 11 ~~(10)~~ (9) For the purposes of IC 14-22-10-2, the meaning set forth
- 12 in IC 14-22-10-2(c).".
- 13 Page 12, between lines 37 and 38, begin a new paragraph and insert:
- 14 "SECTION 42. IC 14-16-1-1 IS AMENDED TO READ AS
- 15 FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 1. It is the general
- 16 intent and purpose of the general assembly in enacting this chapter to
- 17 promote:
- 18 (1) safety for persons and property;
- 19 (2) responsible enjoyment in and connected with the use and
- 20 operation of off-road vehicles **and snowmobiles**; and
- 21 (3) understanding consistent with the rights of all the citizens of
- 22 Indiana.
- 23 SECTION 43. IC 14-16-1-2 IS AMENDED TO READ AS
- 24 FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 2. As used in this
- 25 chapter, "dealer" means a person engaged in the commercial sale of
- 26 off-road vehicles **or snowmobiles**.
- 27 SECTION 44. IC 14-16-1-3 IS AMENDED TO READ AS
- 28 FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 3. (a) As used in this
- 29 chapter, "off-road vehicle" means a motor driven vehicle capable of
- 30 cross country travel:
- 31 (1) without benefit of a road; ~~or trail~~; and
- 32 (2) on or immediately over land, water, snow, ice, marsh,
- 33 swampland, or other natural terrain.
- 34 (b) The term includes the following:
- 35 (1) A multi-wheel drive or low pressure tire vehicle.
- 36 (2) An amphibious machine.
- 37 (3) A ground effect air cushion vehicle.
- 38 (4) Other means of transportation deriving motive power from a

1 source other than muscle or wind.

2 (c) The term does not include the following:

3 (1) A farm vehicle being used for farming.

4 (2) A vehicle used for military or law enforcement purposes.

5 (3) A construction, mining, or other industrial related vehicle used
6 in performance of the vehicle's common function.

7 (4) A snowmobile.

8 (5) A registered aircraft.

9 (6) Any other vehicle properly registered by the bureau of motor
10 vehicles.

11 (7) Any watercraft that is registered under Indiana statutes.

12 (8) A golf cart vehicle.

13 SECTION 46. IC 14-16-1-5 IS AMENDED TO READ AS
14 FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 5. As used in this
15 chapter, "operator" means an individual who:

16 (1) operates; or

17 (2) is in actual physical control of;

18 an off-road vehicle **or a snowmobile.**

19 SECTION 47. IC 14-16-1-6 IS AMENDED TO READ AS
20 FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 6. As used in this
21 chapter, "owner" means a person, other than a lienholder, who:

22 (1) has the property in or title to; and

23 (2) is entitled to the use or possession of;

24 an off-road vehicle **or a snowmobile.**

25 SECTION 48. IC 14-16-1-7 IS AMENDED TO READ AS
26 FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 7. As used in this
27 chapter, "vehicle" refers to an off-road vehicle **or a snowmobile.**

28 SECTION 49. IC 14-16-1-8 IS AMENDED TO READ AS
29 FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 8. (a) Except as
30 otherwise provided, ~~an off-road vehicle~~ **the following** may not be
31 operated on public property unless registered:

32 (1) **An off-road vehicle.**

33 (2) **A snowmobile.**

34 (b) Registration is not required for a vehicle that is exclusively
35 operated in a special event of limited duration that is conducted
36 according to a prearranged schedule under a permit from the
37 governmental unit having jurisdiction."

38 Page 13, line 27, delete "IC 14-16-2-8" and insert "**IC 14-16-1-30**".

1 Page 14, line 20, delete "of one dollar (\$1)" and insert "**established**
2 **by the department**".

3 Page 14, between lines 22 and 23, begin a new paragraph and insert:

4 "SECTION 46. IC 14-16-1-14 IS AMENDED TO READ AS
5 FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 14. (a) The owner of a
6 vehicle shall notify the department within fifteen (15) days if any of the
7 following conditions exist:

8 (1) The vehicle is destroyed or abandoned.

9 (2) The vehicle is sold or an interest in the vehicle is transferred
10 wholly or in part to another person.

11 (3) The owner's address no longer conforms to the address
12 appearing on the certificate of registration.

13 (b) The notice must consist of a surrender of the certificate of
14 registration on which the proper information shall be noted on a place
15 to be provided.

16 (c) If the surrender of the certificate is required because the vehicle
17 is destroyed or abandoned, the department shall cancel the certificate
18 and enter that fact in the records. The number then may be reassigned.

19 (d) If the surrender is required because of a change of address on the
20 part of the owner, the department shall record the new address. Upon
21 payment of a fee ~~of one dollar (\$1)~~, **established by the department**,
22 a certificate of registration bearing the new information shall be
23 returned to the owner.

24 (e) The transferee of a vehicle registered under this chapter shall,
25 within fifteen (15) days after acquiring the vehicle, make application
26 to the department for transfer to the transferee of the certificate of
27 registration issued to the vehicle. The transferee shall provide the
28 transferee's name and address and the number of the vehicle and pay
29 to the department a fee ~~of one dollar (\$1)~~, **established by the**
30 **department**. Upon receipt of the application and fee, the department
31 shall transfer the certificate of registration issued for the vehicle to the
32 new owner. Unless the application is made and the fee paid within
33 fifteen (15) days, the vehicle is considered to be without a certificate
34 of registration and a person may not operate the vehicle until a
35 certificate is issued.

36 SECTION 47. IC 14-16-1-15 IS AMENDED TO READ AS
37 FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 15. If a certificate of
38 registration is lost, mutilated, or illegible, the owner of the vehicle may

1 obtain a duplicate of the certificate upon application and payment of a
 2 fee of ~~one dollar (\$1)~~. **established by the department.**

3 SECTION 48. IC 14-16-1-16 IS AMENDED TO READ AS
 4 FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 16. (a) A dealer or
 5 manufacturer may obtain certificates of registration for use in the
 6 testing or demonstrating of vehicles upon the following:

7 (1) Application to the department upon forms provided by the
 8 department.

9 (2) Payment of ~~ten dollars (\$10)~~ **a fee established by the**
 10 **department** for each of the first two (2) registration certificates.
 11 Additional certificates that the dealer requires may be issued ~~at a~~
 12 ~~cost of five dollars (\$5) each.~~ **for a fee established by the**
 13 **department.**

14 (b) An applicant may use a certificate issued under this section only
 15 in the testing or demonstrating of vehicles by temporary placement of
 16 the numbers on the vehicle being tested or demonstrated. A certificate
 17 issued under this section may be used on only one (1) vehicle at any
 18 given time. The temporary placement of numbers must conform to the
 19 requirements of this chapter or rules adopted under this chapter.

20 (c) A certificate issued under this section is valid for three (3) years.

21 SECTION 49. IC 14-16-1-22 IS AMENDED TO READ AS
 22 FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 22. A county, city, or
 23 town may pass an ordinance regulating the operation of vehicles if the
 24 ordinance meets substantially the minimum requirements of this
 25 chapter. However, a county, city, or town may not adopt an ordinance
 26 that does any of the following:

27 (1) Imposes a fee for a license.

28 (2) Specifies accessory equipment to be carried on the vehicles.

29 **(3) Requires a vehicle operator to possess a driver's license**
 30 **issued under IC 9-24-11 while operating an off-road vehicle or**
 31 **snowmobile.**

32 SECTION 50. IC 14-16-1-23 IS AMENDED TO READ AS
 33 FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 23. An individual shall
 34 not operate a vehicle under any of the following conditions:

35 (1) At a rate of speed greater than is reasonable and proper having
 36 due regard for existing conditions **or in a manner that**
 37 **unnecessarily endangers the person or property of another.**

38 (2) While:

- 1 (A) under the influence of intoxicating liquor; or
- 2 (B) unlawfully under the influence of a narcotic or other habit
- 3 forming or dangerous depressant or stimulant drug.
- 4 (3) During the hours from thirty (30) minutes after sunset to thirty
- 5 (30) minutes before sunrise without displaying a lighted headlight
- 6 and a lighted taillight.
- 7 (4) In a forest nursery, a planting area, or public land posted or
- 8 reasonably identified as an area of forest or plant reproduction
- 9 and when growing stock may be damaged.
- 10 (5) On the frozen surface of public waters within:
- 11 (A) one hundred (100) feet of an individual not in or upon a
- 12 vehicle; or
- 13 (B) one hundred (100) feet of a fishing shanty or shelter;
- 14 except at a speed of not more than five (5) miles per hour.
- 15 (6) Unless the vehicle is equipped with a muffler in good working
- 16 order and in constant operation to prevent excessive or unusual
- 17 noise and annoying smoke.
- 18 (7) Within one hundred (100) feet of a dwelling between midnight
- 19 and 6:00 a.m., except on the individual's own property or property
- 20 under the individual's control or as an invited guest.
- 21 (8) On any property without the consent of the landowner or
- 22 tenant.
- 23 (9) While transporting on or in the vehicle a firearm unless the
- 24 firearm is:
- 25 (A) unloaded; and
- 26 (B) securely encased or equipped with and made inoperative
- 27 by a manufactured keylocked trigger housing mechanism.
- 28 (10) On or across a cemetery or burial ground.
- 29 (11) Within one hundred (100) feet of a slide, ski, or skating area,
- 30 except for the purpose of servicing the area.
- 31 (12) On a railroad track or railroad right-of-way, except railroad
- 32 personnel in the performance of duties.
- 33 (13) In or upon a flowing river, stream, or creek, except for the
- 34 purpose of crossing by the shortest possible route, unless the
- 35 river, stream, or creek is of sufficient water depth to permit
- 36 movement by flotation of the vehicle at all times.
- 37 (14) An individual shall not operate a vehicle while a bow is
- 38 present in or on the vehicle if the nock of an arrow is in position

1 on the string of the bow."

2 Page 14, delete lines 38 through 42.

3 Page 15, delete lines 1 through 17, begin a new paragraph and
4 insert:

5 "SECTION 48. IC 14-16-1-25 IS AMENDED TO READ AS
6 FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 25. (a) All law
7 enforcement officers in Indiana ~~including every enforcement officer of~~
8 ~~the department~~, shall enforce this chapter.

9 (b) The attorney general and prosecuting attorneys have concurrent
10 power to approve, file, and prosecute an affidavit charging a violation
11 of this chapter.

12 SECTION 49. IC 14-16-1-26 IS AMENDED TO READ AS
13 FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 26. **(a)** The department
14 shall do the following:

15 (1) Prescribe the form of accident reports and registration
16 certificates and the form of application for the certificates.

17 (2) Conduct a campaign of education with respect to safety in the
18 operation of vehicles in connection with the use and enjoyment of
19 the public and private land of Indiana and with respect to Indiana
20 laws relating to vehicles.

21 (3) Construct and maintain vehicle trails on public and private
22 land consistent with the intent of this chapter.

23 **(b) Notwithstanding any other law, the department may**
24 **purchase land for off-road vehicle and snowmobile trails only from**
25 **a willing seller of the land.**

26 SECTION 50. IC 14-16-1-29, AS AMENDED BY P.L.158-2002,
27 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
28 JULY 1, 2003]: Sec. 29. (a) **Except as provided in subsection (b),** a
29 person who violates ~~section 17, 23(2), or 24 of this chapter commits a~~
30 ~~Class B misdemeanor.~~

31 ~~(b) A person who violates section 8, 9, 11, 12, 13, 14, 18, 19, 20, 21,~~
32 ~~23(1), 23(3), 23(4), 23(5), 23(6), 23(7), 23(8), 23(9), 23(10), 23(11),~~
33 ~~23(12), 23(13), 23(14), or 27 of this chapter commits a Class C~~
34 ~~infraction.~~

35 **(b) A person who violates section 18, 23(1), 23(2), or 24 of this**
36 **chapter commits a Class B misdemeanor.**

37 SECTION 51. IC 14-16-1-30 IS ADDED TO THE INDIANA
38 CODE AS A NEW SECTION TO READ AS FOLLOWS

[EFFECTIVE JULY 1, 2003]: **Sec. 30. (a) As used in this section, "fund" refers to the off-road vehicle and snowmobile fund established by subsection (b).**

(b) The off-road vehicle and snowmobile fund is established. The fund shall be administered by the department.

(c) The fund consists of the revenues obtained under this chapter, appropriations, and donations. Money in the fund shall be used for the following purposes:

(1) Enforcement of this chapter.

(2) Constructing and maintaining off-road vehicle trails.

(3) Constructing and maintaining snowmobile trails.

(d) The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public money may be invested.

(e) Money in the fund at the end of the state fiscal year does not revert to the state general fund.

(f) There is annually appropriated to the department from the fund the entire amount of money deposited in the fund from the sources referred to in subsection (c) for the department's use for the purposes set forth in subsection (c)."

Page 20, line 20, reset in roman "geologists,".

Page 20, line 26, reset in roman "geologists,".

Page 22, line 23, delete "IC 6-1.1-6.5-3; IC 6-1.1-6.5-5;".

Page 22, delete lines 24 through 25.

Page 22, line 26, delete "IC 6-1.1-6.5-24; IC 6-1.1-6.5-25;" and insert "IC 14-16-2;".

Page 23, after line 5, begin a new paragraph and insert:

"SECTION 67. P.L.155-2002, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: SECTION 13. (a) Notwithstanding IC 14-34-13-1 and IC 14-34-13-2, the following reclamation fee schedule applies with respect to coal mining operations for the period beginning April 1, 2002, and ending June 30, ~~2003~~: **2005**:

(1) All operators of surface coal mining operations subject to IC 14-34 shall pay to the department of natural resources for deposit in the natural resources reclamation division fund established by IC 14-34-14-2 a reclamation fee of five and five-tenths cents (\$0.055) per ton of coal produced.

1 (2) All operators of underground coal mining operations subject
2 to IC 14-34 shall pay to the department of natural resources for
3 deposit in the natural resources reclamation division fund
4 established by IC 14-34-14-2 a reclamation fee of three cents
5 (\$0.03) per ton of coal produced.

6 (b) After June 30, ~~2003~~, **2005**, the reclamation fees paid by coal
7 mining operators are the amounts per ton specified in IC 14-34-13-1
8 and IC 14-34-13-2, as amended by this act.

9 (c) This SECTION expires January 1, ~~2004~~, **2006**.

10 SECTION 68. [EFFECTIVE JULY 1, 2003] (a) **A certificate of**
11 **registration purchased under IC 14-16-2, before its repeal by this**
12 **act, before July 1, 2003, is valid for three (3) years from the date of**
13 **purchase. A valid certificate of registration purchased under**
14 **IC 16-14-2, before its repeal by this act, satisfies the requirements**
15 **of IC 14-16-1, as amended by this act.**

- 1 **(b) This SECTION expires July 1, 2006.**
- 2 **SECTION 69. An emergency is declared for this act."**
- 3 Renumber all SECTIONS consecutively.
 (Reference is to HB 1552 as introduced.)

and when so amended that said bill do pass.

Representative Bischoff